

REMARKS/ARGUMENTS

In response to the Final Office Action mailed February 19, 2009, Applicants propose to amend their application and request reconsideration in view of the amendments and the following remarks. In this amendment, claims 1-6 are amended, no claims have been cancelled without prejudice and no claims have been added so that claims 1-6 remain pending.

Claims 1-6 were rejected under 35 U.S.C. §112, first paragraph. Applicants have amended the claim to more clearly set forth the invention. Specifically, the claim has been amended to indicate that there are at least one of two peaks or two valleys between the cells. The peaks and valleys are not new matter as they are clearly shown in the drawings. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. Applicants have amended the claim. Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

Claims 1-2 were rejected as being unpatentable over U.S. Patent No. 5,122,154 to Rhodes et al. (Rhodes) in view of U.S. Patent Publication No. 2003/0065378 to Chevillon et al. (Chevillon). Claims 1-6 were rejected as being unpatentable over Chevillon in view of U.S. Patent No. 5,476,506 to Lunn (Lunn). Claims 1, 2, 5 and 6 were rejected as being unpatentable over U.S. Patent No. 3,693,085 to Buirge et al. (Buirge) in view of Lunn and U.S. Patent No. 6,206,911 to Milo (Milo). These rejections are respectfully traversed.

The MPEP, in section 706.02(j), sets forth the basic criteria that must be met in order to establish a *prima facie* case of obviousness:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In *re Vaeck*, 947 F.2d, 488, 20 USPQ2d 1438 (Fed.Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.

Section 2143.03 of the MPEP clarifies certain criteria in section 706.02(j).

"To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In *re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1074). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In *re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In *re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.Cir. 1988)."

Rhodes discloses an endovascular bypass graft. The graft comprises a sleeve having plural stents thereon. Chevillon discloses a medical set for intervention of an anatomical device sealing ring. The graft comprises a longitudinally extending thin walled cylinder having first and second ends. The device comprises an intraluminal prosthesis and a sealing collar. Lunn discloses a bi-directional crimped graft. Buirge discloses a stent with collagen. Milo discloses a stent having diamond shaped cells.

None of these references, whether taken alone or in combination disclose or suggest the structure of amended claim 1. Specifically,

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none of the references disclose or suggest a stent with sinusoidal connector rings having at least one of two peaks or valleys between circumferentially adjacent cells of stents. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

A favorable action on the merits is earnestly solicited.

Respectfully submitted,

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